

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-32153 - APPLICANT: VERIZON WIRELESS - OWNER:
SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-32151), if approved.
2. This approval shall be void two years from the date of final approval, unless a final inspection has been approved for the Wireless Communication Facility. An Extension of Time may be filed for consideration by the City of Las Vegas.

VAR-32153 - Staff Report Page One
January 8, 2009 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a 158-foot setback where Residential Adjacency Standards require 180 feet for a proposed Wireless Communication Facility, Stealth Design on 0.17 acres on the west side of Del Webb Boulevard, approximately 225 feet north of Lake Mead Boulevard. In addition to this application, the applicant has submitted a Special Use Permit (SUP-32151) for a proposed 60-foot tall Wireless Communication Facility, Stealth Design (Monopalm) on the subject property.

The subject property has an existing 63-foot tall Wireless Communication Facility, Stealth Design (Monopalm) occupying the southern half of the site approximately 50 feet south of the proposed cell tower location. The existing Monopalm already contains two carries and is unable to allow for additional capacity. As the existing enclosure for the existing Monopalm occupies the southern half of the subject parcel, the applicant has placed the proposed Monopalm and proposed enclosure near the center of the site, approximately 158 feet from a single-family home, where 180 feet is required to meet the Residential Adjacency Standards of Title 19.08.060.

The subject parcel already contains a Wireless Communication Facility, Stealth Design and the placement of this proposed tower will intensify the visual impact on the existing single-family homes to the north, staff finds that the subject property is not suitable for the additional proposed use. There are several commercial parcels directly to the east and to the west, which provide the opportunity to locate Wireless Communication Facilities without the need for a Variance; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/22/05	The Planning and Development Department administratively approved a Site Development Plan Review (later classified as SDR-19801) to allow a proposed 63-foot Wireless Communication Facility, Stealth Design at Lake Mead Boulevard and Del Webb Boulevard.
04/12/07	The Planning and Development Department administratively approved a Site Development Plan Review (SDR-20011) to allow a proposed co-location of antennas on an existing 63-foot Wireless Communication Facility, Stealth Design at 9400 West Lake Mead Boulevard.

VAR-32153 - Staff Report Page Two
January 8, 2009 - Planning Commission Meeting

02/14/08	The Planning and Development Department administratively denied a Site Development Plan Review (SDR-26335) to allow a proposed 70-foot Wireless Communication Facility, Stealth Design at 9610 Del Webb Boulevard.
10/23/08	The Planning and Development Department administratively denied a Site Development Plan Review (SDR-29701) for a 60-foot Wireless Communication Facility, Stealth Design on 0.17 acres on the west side of Del Webb Boulevard, approximately 225 feet north of Lake Mead Boulevard
<i>Related Building Permits/Business Licenses</i>	
07/22/05	A building permit (#05005028) was issued for the installation of a 63-foot tall Monopalm with antennas at 9610 Del Webb Boulevard. The permit received final approval on 01/20/06.
08/10/05	A building permit (#48692) was issued for a block wall enclosure at 9610 Del Webb Boulevard. The permit received final approval on 01/26/06.
<i>Pre-Application Meeting</i>	
11/18/08	A pre-application meeting was held with the applicant where the requirements for submitting a Special Use Permit and a Variance were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	
<i>Field Check</i>	
12/04/08	A field check was performed by staff at the subject property. The subject property was noted as a landscaped common area lined with mature Date Palms, shrubbery, ground cover and a low wall acting as a buffer between an existing shopping center to the west and Del Webb Boulevard to the east. An existing Wireless Communication Facility, Stealth Design (Monopalm) was noted within the southern area of the buffer, which blended very well with the existing Date Palms. The proposed Wireless Communication Facility, Stealth Design will encompass a new Monopalm tower and enclosure, to be located to the north of the existing tower.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Common Space, Wireless Communication Facility, Stealth Design	SC (Service Commercial)	P-C (Planned Community)

VAR-32153 - Staff Report Page Three
January 8, 2009 - Planning Commission Meeting

North	Single-Family Residential	ML (Medium Low Density Residential)	P-C (Planned Community)
South	Shopping Center	SC (Service Commercial)	P-C (Planned Community)
East	Office, Retail	SC (Service Commercial)	P-C (Planned Community)
West	Shopping Center	SC (Service Commercial)	P-C (Planned Community)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Sun City Summerlin	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Review the following from Title 19.08.060

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	180 Feet	158 Feet	N*
Maximum tower height permitted by 3:1 proximity slope	52.5 Feet	60 Feet	N*

* The applicant has submitted this Variance to allow a 158-foot setback where Residential Adjacency Standards require 180 feet for a proposed Wireless Communication Facility, Stealth Design.

ANALYSIS

The applicant is requesting a Variance to allow a 158-foot setback where Residential Adjacency Standards require 180 feet for a proposed Wireless Communication Facility, Stealth Design located on the east side of Del Webb Boulevard, approximately 225 feet north of Lake Mead Boulevard. The proposed Wireless Communication Facility will be located near the center of the subject property approximately 50 feet north of an existing Wireless Communication Facility, Stealth Design (Monopalm) on the same parcel within a separate, proposed enclosure. The subject parcel also consists of an existing landscape area containing a grove of 14 date palms, shrubbery, ground cover and a six-foot high stucco wall denoting the entrance to Sun City Summerlin.

VAR-32153 - Staff Report Page Four
January 8, 2009 - Planning Commission Meeting

The land uses surrounding the subject property are single-family residential homes to the north, retail and office developments to the east and west and an additional landscape area to the south. The proposed communication facility will be situated approximately 158 feet from the protected residential property to the north, which does not meet the minimum Residential Adjacency Setback requirements of 180 feet. While the proposed Monopalm will be surrounded by living date palms which will help camouflage the site, the view corridors from the back yards of the nearby homes will be degraded by the tower height, which will further obstruct any existing views.

Staff finds that the proposed location of the Wireless Communication Facility, Stealth Design (Monopalm) is not compatible with the existing Wireless Communication Facility, Stealth Design (Monopalm) and the single-family residential homes to the north. There are several commercial parcels directly to the east and to the west which provide the opportunity to locate Wireless Communication Facilities without the need for a Variance or a Special Use Permit; therefore, denial of this request is recommended.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

VAR-32153 - Staff Report Page Five
January 8, 2009 - Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by locating a proposed Wireless Communication Facility, Stealth Design on a parcel of land that is in close proximity to existing single-family homes. Locating the proposed Wireless Communication Facility, Stealth Design on a nearby commercial parcel located away from existing single-family homes would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 4

SENATE DISTRICT 6

NOTICES MAILED 206

APPROVALS 0

PROTESTS 0